

OFFICE OF THE ATTORNEY GENERAL



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ATTORNEY GENERAL
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Andrew P. Hornsby, Jr.
Commissioner
State Department of Human Resources
64 North Union Street
Montgomery, Alabama 36130

Department of Human Resources -
Foster Parents - Liability
Insurance

The Department of Human Resources
may purchase liability insurance
for its foster care providers.

Dear Mr. Hornsby:

This is in response to your request for an opinion as to whether the Department of Human Resources may purchase liability insurance for its foster care providers. The answer to your inquiry is in the affirmative.

This office has previously stated that foster parents act in the service of the State and may be reimbursed for certain travel expenses. Opinion to Mrs. Faye S. Baggiano, Commissioner, State Department of Pensions and Security, under date of February 2, 1982. Foster care providers render a service which allows the Department of Human Resources to fulfill its statutory requirement to provide protective placement and care for children and adults.

This office has also opined that the Department of Human Resources may purchase liability insurance for its volunteers,

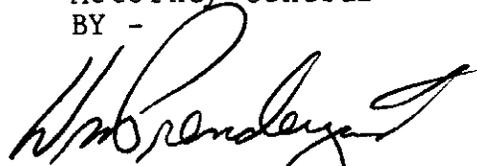
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who, like foster care providers, are not merit system employees and receive no salary for their services. Opinion to Mrs. Rebecca B. Beasley, Acting Commissioner, Department of Pensions and Security, under date of October 2, 1981. As well, this office has consistently recognized the need for liability insurance for state employees and has approved such expenditures as being within the authority of the various state departments. Opinion to Mr. Claude Earl Fox, State Health Officer, Department of Public Health, under date of November 3, 1986; Opinion to Mr. Carlos L. Rabren, Director, Department of Forensic Sciences, under date of March 20, 1981; Opinion to Honorable Lynda A. Hart, State of Alabama, Office of Employment and Training, under date of April 23, 1982; Quarterly Report of Attorney General, Vol. 150, page 13.

Since the acquisition of such insurance is in the public interest in that the health and safety of many Alabamians is dependent upon the provision of such foster care and such care is a necessary function of the Department of Human Resources, it is my opinion that your Department may purchase liability insurance coverage for its foster care providers. The State Comptroller is legally authorized to pay such vouchers as may be presented for the insurance premium for insurance covering these foster care providers.

Sincerely,

DON SIEGELMAN
Attorney General
BY -



William Prendergast
Assistant Attorney General

DS:WP:dm